

VIA THE ELECTRONIC COMMENT FILING SYSTEM

August 10, 2005

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

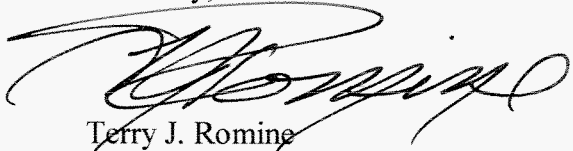
Re: WC Docket No. 05-196
Subscriber Notification Report of US LEC Acquisition Co.

Dear Ms. Dortch:

Pursuant to the *Public Notice, Enforcement Bureau Provides Guidance to Interconnected Voice Over Internet Protocol Providers Concerning the July 29, 2005 Subscriber Notification Deadlines*, WC Docket No. 04-36; WC Docket No. 05-196 (DA 05-2085 released July 26, 2005), US LEC Acquisition Co. hereby submits the above-referenced Subscriber Notification Report.

Any questions or need for additional information should be directed to the undersigned.

Sincerely,



Terry J. Romine
Deputy General Counsel – Regulatory

Enclosure

cc (via e-mail):

Byron McCoy (byron.mccoy@fcc.gov)
Kathy Berthot (Kathy.berthot@fcc.gov)
Janice Myles (Janice.myles@fcc.gov)
BCPI (fcc@bcpiweb.com)

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SUBSCRIBER NOTIFICATION REPORT

OF US LEC ACQUISITION CO.

By: Terry J. Romine, Esq.
Deputy General Counsel – Regulatory
US LEC Corp.
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Direct Dial: (704) 319-1119
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Dated: August 10, 2005

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OF US LEC ACQUISITION CO.

I. Introduction

VoiceEclipse™ is the interconnected Voice over Internet Protocol (“VoIP”) service provided by US LEC Acquisition Co. (“US LEC”) to residential and business customers. Currently, VoiceEclipse™ has no ability to connect a customer to a PSAP or other emergency service providers by dialing 9-1-1. Prior to the FCC’s decision in WC Docket No. 05-196, the lack of the E911 capability was disclosed to the subscribers in “acceptance of use” that person wishing to subscribe to VoiceEclipse™ was required to read and accept before the person could subscribe to the VoiceEclipse™, but not as visibly as the FCC now requires. On or about June 20, 2005, US LEC placed on the VoiceEclipse™ website, a specific disclosure as to the lack of E9-1-1 capability with VoiceEclipse™ service. A copy of the “home page” screen is attached as Exhibit 1. Effective July 29, 2005, as required by the FCC’s rules (47 C.F.R. § 9.5(e)), US LEC has taken the measures required to advise each of its subscribers of the lack of E9-1-1 capability and distributed warning labels to each subscriber instructing the subscriber to place the labels on or near the equipment used to make VoiceEclipse™ calls. US LEC, therefore, provides the following report on its compliance efforts and asks the FCC to refrain from enforcement of the requirement that US LEC obtain affirmative acknowledgements from its subscribers (47 C.F.R. § 9.5(e)(2)) until August 30, 2005.

II. Description of Action to Notify Existing and New Subscribers of the Availability of E911 Service Using VoiceEclipse™

A. Existing Subscribers as of July 28, 2005

On July 28, 2005, US LEC sent to each existing subscriber an e-mail disclosing, in prominent and plain language, that VoiceEclipse™ had no E911 capability and that dialing 9-1-1 would not provide connection with any type of emergency services (“E911 Service Disclosure” or “Disclosure”). The notice recommended that the subscriber have an alternate source of connection to the public switched telephone network to access E911 services. A copy of the text of the e-mail, as sent, is attached as Exhibit 2. The e-mail provided the subscriber the ability to return an affirmative acknowledgement of the notice by: (a) going to the subscriber’s account page with VoiceEclipse™ and doing a click through to read and acknowledge the Disclosure electronically or (b) downloading the Disclosure (in .pdf form) and executing the acknowledgement and either (i) returning a copy via fax to US LEC at the number provided or (ii) mailing the original to US LEC at the address provided.

On July 28, 2005, US LEC mailed a hard copy of the Disclosure along with four (4) warning labels required to be distributed to all existing subscribers by U.S. Mail, first-class, postage prepaid. A copy of the

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Disclosure is attached as Exhibit 3. A copy of the warning label design is attached as Exhibit 4 (the graphics are in red on white background).

Additionally, US LEC will send follow-up e-mails to any subscriber that has not provided an affirmative acknowledgement as of the date of the e-mail that includes the Disclosure along with a notification that if the subscriber fails to return the acknowledgement to US LEC by August 28, 2005, the subscriber's VoiceEclipse™ services will be disabled. The schedule for these follow-up contacts are: August 12, 2005; August 19, 2005; and August 27, 2005.

B. New Subscribers as of July 28, 2005

As of July 28, 2005, any person that wishes to subscribe to VoiceEclipse™ must first read and acknowledge the notice on the lack of E911 service in order to proceed to subscribe to the service. A copy of the screen that the person must acknowledge is attached as Exhibit 5. If the person does not affirmatively acknowledge that he/she has read and understands the disclosure, the person is not permitted to proceed with subscribing to VoiceEclipse™.

If the person makes the affirmative acknowledgement and subscribes to VoiceEclipse™, then US LEC either (a) ships the necessary ATA equipment to initiate the VoiceEclipse™ service with one warning label affixed to the ATA equipment and 3 additional warning labels with instructions to place on the customer premises equipment used to place calls using the VoiceEclipse™ service, or (b) mails out 4 warning labels with instructions to place on the customer premises equipment used to place calls using the VoiceEclipse™ service when the customer wants to use all its own ATA equipment.

II. Quantification of How Many of US LEC's Subscribers, on a Percentage Basis, Have Submitted an Affirmative Acknowledgement as of August 10, 2005 and Estimate of the Percentage of Subscribers from whom US LEC Does Not Expect to Receive an Acknowledgement

A. As of August 10, 2005, twenty-nine and one-half percent (29.5%) of the existing subscribers as of July 28, 2005 have submitted affirmative acknowledgements to US LEC.

As of August 10, 2005, 100% of new subscribers as of July 29, 2005 have submitted affirmative acknowledgements to US LEC.

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- B. US LEC expects that less than 5% percent of the existing subscribers as of July 28, 2005 will not submit affirmative acknowledgements by August 29, 2005.

Any person subscribing on or after July 29, 2005 must affirmatively acknowledge the E911 Service Disclosure or the person will not be provided VoiceEclipse™ service.

- III. Description of How US LEC Has Distributed to All Subscribers Warning Stickers or Other Appropriate Labels Warning Subscribers if E911 Services are Limited and Instructing Subscribers to Place on or near Customer Premise Equipment Used in Connection with VoiceEclipse™.

- A. Existing Subscribers as of July 28, 2005

On July 28, 2005, along with the E911 Service Disclosure, US LEC placed in the U.S. Mail, first-class, postage prepaid to each subscriber, four (4) warning labels that reflected that 9-1-1 calling was not available. The Disclosure instructed the subscriber to place the labels on or near the equipment used to place VoiceEclipse™ calls. US LEC used the universal language symbol for “no” in creating its warning label because it wanted to ensure that both adults and children would be warned as well as subscribers that are not native-English speakers. The graphics are red in color on a white background to draw attention to the label. A copy of the Disclosure is attached as Exhibit 3 and the warning label design is attached as Exhibit 4.

- B. New Subscribers as of July 29, 2005

US LEC either (a) ships the necessary ATA equipment to initiate the service with the warning label affixed on the ATA equipment and 3 additional warning labels with instructions to place on the customer premises equipment used to place VoiceEclipse™ calls, or (b) mails out 4 warning labels with instructions to place on the customer premises equipment used to place VoiceEclipse™ calls when the customer wants to use all its own ATA equipment. Service is not initiated until the warning labels have been shipped to the new subscriber.

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IV. Quantification of How Many Subscribers, on a Percentage Basis, to Whom US LEC Did Not Send the Advisory Described in Section I or to Whom US LEC Did Not Send Warning Stickers or Other Appropriate Labels as Described in Section III.

US LEC sent advisories and labels to each and everyone of its existing subscriber base. Accordingly 0% of subscribers were not sent an advisory or labels on or before July 29, 2005.

V. Description of Any and All Actions US LEC Plans on Taking Towards Any of Its Subscribers that Do Not Affirmatively Acknowledge Having Received and Understood the Advisory by August 29, 2005

US LEC has created a spreadsheet that lists each of the existing subscribers that were sent a Disclosure on July 28, 2005. As an acknowledgement is received, either electronically or the hard copy received via facsimile or in the mail, the receipt is reflected on the spreadsheet. On August 28, 2005, US LEC will make a final review of the records (either kept electronically or hard copy), and, on August 29, 2005, will disconnect the access to VoiceEclipse™ by any subscriber that US LEC has no record of an affirmative acknowledgement. The process of disconnecting the subscriber for failure to provide US LEC an affirmative acknowledgement will be the same as when either the subscriber voluntarily disconnects or is involuntarily disconnected when the subscriber has failed to pay for the monthly service. As the service is Internet-based, there is no physical disconnection necessary at the subscriber's premises and disconnection is immediate.

VI. Description of How US LEC is Currently Maintaining Any Acknowledgements Received from its Subscribers.

Electronic Acknowledgements:

The electronic acknowledgement is stored, time-stamped, in a database for each subscriber. A report can be generated to reflect the names of the subscribers and the date and time of the acknowledgement.

Hard Copy Acknowledgements received either by facsimile or mail:

A file is being maintained in which each hard copy acknowledgement will be stored to permit ready access.

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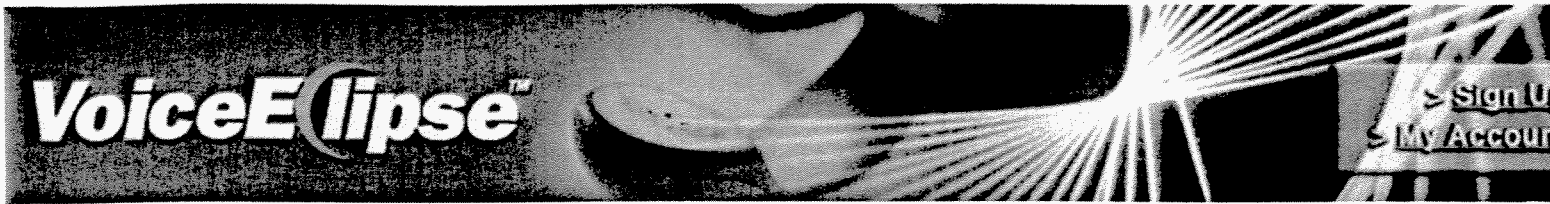
VII. The Name, Address, Phone Number, and E-mail Address of the Persons
Responsible for the Company's Compliance Efforts with the VoIP E911 Order.

Terry J. Romine
Deputy General Counsel –
Regulatory
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EXHIBIT 1



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Join the Telephone Revolution!

VoiceEclipse is a comprehensive broadband VoIP phone service delivered via your broadband Internet connection which will save you money, deliver outstanding digital quality, and provide numerous features. You may keep your existing telephone number and broadband Internet connection and avoid the rising costs of traditional phone service with this plug-and-go advancement in broadband VoIP technology.

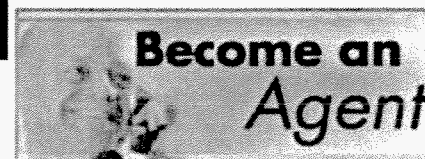
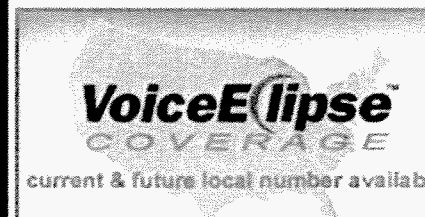
Now you can get local regional and long distance broadband VoIP phone service through your existing broadband connection at significant cost savings!



Rome 3¢...London 4¢...



you can even
KEEP your
current phone#



Residential Services

\$12 ⁹⁵ a month	1 phone numbers 500 minutes
\$24 ⁹⁵ a month	2 phone numbers 1000 minutes
\$29 ⁹⁵ a month	2 phone numbers unlimited minutes

[Learn more!](#)

Business Services

vePipe

As low as
\$43^{95*}
a month

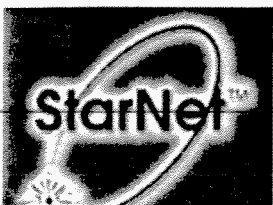
Price example:
1 phone # (\$4)
1 pipe (\$15)
1000 minutes (\$24.95)

[Learn more!](#)

DISCLAIMER:

VOICEECLIPSE DOES NOT HAVE 911/E911 CAPABILITY which means dialing 911 on VoiceEclipse equipment will not connect the caller to any emergency services. Customer is responsible for arranging for alternate means of dialing 911/E911 to be used in the case of emergency.

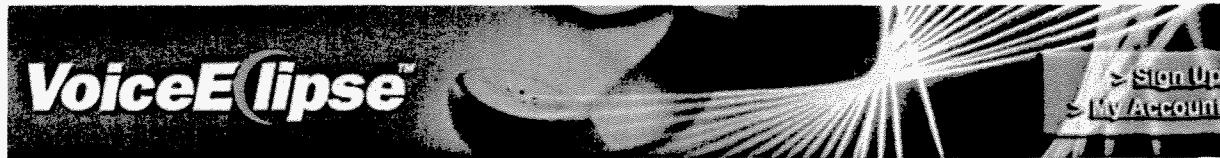
VoiceEclipse will not function in the event of a power failure and cannot function without a broadband connection. VoiceEclipse does not include the necessary broadband connection.



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EXHIBIT 2



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IMPORTANT NOTIFICATION ON 9-1-1

The following notification was sent to the VoiceEclipse customer base on July 29, 2005.

You can open a PDF of this letter to print and complete the acknowledgement form to return via fax or mail: [[printable PDF of this letter/form](#)]

IMPORTANT NOTIFICATION ON LACK OF 9-1-1 DIALING USING VOICE ECLIPSE

You are receiving this notice because you subscribe to VoiceEclipse. Due to a recent FCC ruling, we are required to ensure that you understand the limitations on the 9-1-1 capability associated with your VoiceEclipse service and acknowledge that you understand the limitations. Once you have reviewed this notice, you may acknowledge your understanding in one of three ways:

1. Login to your [VoiceEclipse web account](#) to review the notice on-line and acknowledge your understanding; or
2. Sign the [acknowledgment](#) and fax a copy to 847-963-1302; or
3. Sign the [acknowledgment](#) and return by first class mail to:

StarNet - US LEC
579 First Bank Drive
Suite 100
Palatine, IL 60067

VoiceEclipse provides you local regional and long distance phone services over your broadband connection. There is one important difference between the VoiceEclipse service and the phone service provided over a traditional phone line -- this difference is that with VoiceEclipse you cannot obtain emergency services by dialing 9-1-1.

Currently, you have no 9-1-1/E-9-1-1 service through the VoiceEclipse service. If you try to dial 9-1-1 on the phone connected with your VoiceEclipse service, there will be no response. It, therefore, is critical that if you have any family or medical conditions that would require the availability of 9-1-1 emergency services that you have a traditional phone line with a phone connected to the line to make any and all emergency calls by dialing 9-1-1.

Labels have been sent to your billing address (mailed out July 29, 2005) that must be placed on or near all equipment that is used to make calls using the VoiceEclipse service so that you or others using the equipment are reminded or advised that 9-1-1 is not an available dialing pattern on this equipment.

If you have any questions about this notification, please call 888-212-0099 for further information.

You can open a PDF of this letter to print and complete the acknowledgement form and return via fax or mail:

[[printable PDF of this letter/form](#)]

DISCLAIMER:

VOICEECLIPSE DOES NOT HAVE 911/E911 CAPABILITY which means dialing 911 on VoiceEclipse equipment will not connect the caller to any emergency services. Customer is responsible for arranging for alternate means of dialing 911/E911 to be used in the case of emergency.

VoiceEclipse will not function in the event of a power failure and cannot function without a broadband connection. VoiceEclipse does not include the necessary broadband connection.



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DATED AUGUST 10, 2005**

EXHIBIT 3

**IMPORTANT NOTIFICATION ON LACK OF 9-1-1 DIALING
USING VOICE ECLIPSE**

PLEASE DO NOT DISCARD WITHOUT READING

You are receiving this notice because you subscribe to VoiceEclipse. Due to a recent FCC ruling, we are required to ensure that you understand the limitations on the 9-1-1 capability associated with your VoiceEclipse service and acknowledge that you understand the limitations. Once you have reviewed this notice, you may acknowledge your understanding in one of three ways:

1. Login to your VoiceEclipse web account to review the notice on-line and acknowledge your understanding; or
2. Sign the acknowledgment below and fax a copy to **847-963-1302**; or
3. Sign the acknowledgment below and return by first class mail to:

StarNet - US LEC
579 First Bank Drive
Suite 100
Palatine, IL 60067

VoiceEclipse provides you local regional and long distance phone services over your broadband connection. There is one important difference between the VoiceEclipse service and the phone service provided over a traditional phone line -- this difference is that **with VoiceEclipse you cannot obtain emergency services by dialing 9-1-1.**

Currently, **you have no 9-1-1/E-9-1-1 service through the VoiceEclipse service.** If you try to dial 9-1-1 on the phone connected with your VoiceEclipse service, there will be no response. It, therefore, is critical that if you have any family or medical conditions that would require the availability of 9-1-1 emergency services that you have a traditional phone line with a phone connected to the line to make any and all emergency calls by dialing 9-1-1.

Enclosed are labels that must be placed on or near all equipment that is used to make calls using the VoiceEclipse service so that you or others using the equipment are reminded or advised that 9-1-1 is not an available dialing pattern on this equipment.

If you have any questions about this notification, please call **888-212-0099** for further information.

I HAVE READ THE INFORMATION ABOVE AND ACKNOWLEDGE I UNDERSTAND THAT MY VOICE ECLIPSE SERVICE HAS NO 9-1-1 DIALING CAPABILITY.

Signature: _____ Date: _____

Printed Name: _____

VoiceEclipse Phone Number(s) _____

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EXHIBIT 4

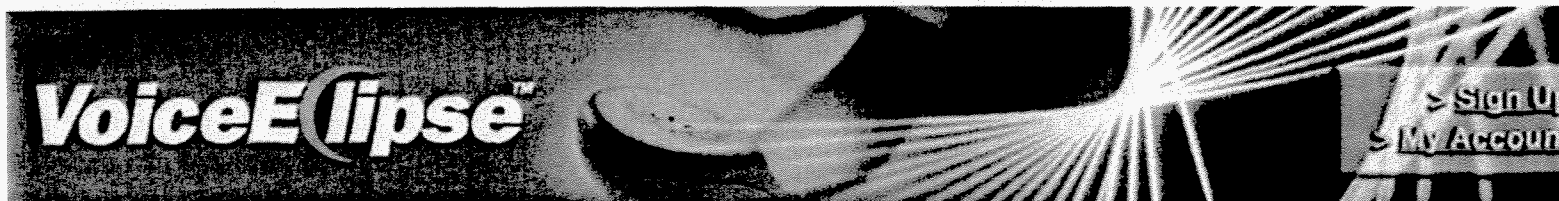
Warning:



Emergency Dialing NOT Available

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EXHIBIT 5



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Sign Up!

To Sign Up for VoiceEclipse service you will need to have an existing Broadband Internet connection (Cable Modem, DSL or Wireless Broadband) and a telephone... that's it!

Please have your credit card information ready before you click the link below and initiate the sign-up process. Our online sign-up process is secure, so your personal information is protected.

[I AM READY TO GET STARTED](#)

DISCLAIMER:

VOICEECLIPSE DOES NOT HAVE 911/E911 CAPABILITY which means dialing 911 on VoiceEclipse equipment will not connect the caller to any emergency services. Customer is responsible for arranging for alternate means of dialing 911/E911 to be used in the case of emergency.

VoiceEclipse will not function in the event of a power failure and cannot function without a broadband connection. VoiceEclipse does not include the necessary broadband connection.



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911 Notification

IMPORTANT NOTIFICATION ON LACK OF 9-1-1 DIALING USING VOICE ECLIPSE

VoiceEclipse provides local regional and long distance phone services over a broadband connection. There is one important difference between the VoiceEclipse service and the phone service provided over a traditional phone line -- this difference is that with VoiceEclipse you cannot obtain emergency services by dialing 9-1-1. You will have no 9-1-1/E-9-1-1 service through the VoiceEclipse service. If you try to dial 9-1-1 on the phone connected with your VoiceEclipse service, there will be no response. It, therefore, is critical that if you have any family or medical conditions that would require the availability of 9-1-1 emergency services that you have a traditional phone line with a phone connected to the line to make any and all emergency calls by dialing 9-1-1.

If you have any questions about this notification, please call 888-212-0099 for further information.

I HAVE READ THE INFORMATION ABOVE AND ACKNOWLEDGE I UNDERSTAND THAT MY VOICEECLIPSE SERVICE HAS NO 9-1-1 DIALING CAPABILITY: ☐

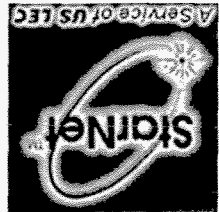
You must check the box in order to continue sign-up.

[Continue Signup](#)

- Step 1. Choose Your Service
- Step 2. Create Password
- Step 2. Add Services
- Step 3. Choose Your State
- Step 3. Choose Your Area Code
- Step 3. Choose Your City
- Step 4. Billing & Shipping Info
- Step 5. Final Confirmation
- Step 6. You Are Signed Up!

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VOICEECLIPSE DOES NOT HAVE 911/E911 CAPABILITY which means dialing 911 on VoiceEclipse equipment will not connect the caller to any emergency services. Customer is responsible for arranging for alternate means of dialing 911/E911 to be used in the case of emergency. VoiceEclipse will not function in the event of a power failure and cannot function without a broadband connection. VoiceEclipse does not include the necessary broadband connection.



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